

1 A bill to be entitled
2 An act relating to school improvement and education
3 accountability; providing a short title; amending s.
4 1001.42, F.S.; requiring the state system of school
5 improvement and education accountability to comply with
6 specified accountability requirements; deleting certain
7 district school board duties relating to school
8 improvement plans and assistance and intervention;
9 amending s. 1008.33, F.S.; requiring the state system of
10 school improvement and education accountability to comply
11 with accountability requirements of federal law; providing
12 duties of school districts to improve student academic
13 achievement and to improve low-performing schools;
14 providing State Board of Education responsibility for the
15 state system and enforcement of its accountability
16 requirements; providing requirements for the state system;
17 providing duties of the Department of Education for
18 determining the need for action to achieve school
19 improvement; providing for intervention and support
20 strategies to meet school needs; requiring State Board of
21 Education approval of options for the lowest performing
22 schools; providing penalties for deviation from or failure
23 to implement certain school improvement provisions;
24 requiring Department of Education commencement of duties
25 and State Board of Education adoption of rules; amending
26 s. 1008.345, F.S.; conforming provisions; amending s.
27 1012.2315, F.S.; revising and conforming provisions
28 relating to the assignment of teachers; amending s.

29 | 1002.33, F.S.; conforming provisions; providing an
 30 | effective date.

31 |

32 | Be It Enacted by the Legislature of the State of Florida:

33 |

34 | Section 1. This act may be cited as "Florida's Equal
 35 | Opportunity in Education Act."

36 | Section 2. Subsection (18) of section 1001.42, Florida
 37 | Statutes, is amended to read:

38 | 1001.42 Powers and duties of district school board.--The
 39 | district school board, acting as a board, shall exercise all
 40 | powers and perform all duties listed below:

41 | (18) IMPLEMENT SCHOOL IMPROVEMENT AND
 42 | ACCOUNTABILITY.--Maintain a state system of school improvement
 43 | and education accountability as provided by statute and State
 44 | Board of Education rule. This system of school improvement and
 45 | education accountability shall be consistent with, and
 46 | implemented through, the district's continuing system of
 47 | planning and budgeting required by this section and ss.
 48 | 1008.385, 1010.01, and 1011.01. This system of school
 49 | improvement and education accountability shall comply with the
 50 | provisions of ss. 1008.33, 1008.34, 1008.345, and 1008.385 and
 51 | ~~include, but is not limited to,~~ the following:

52 | (a) School improvement plans.--The district school board
 53 | shall annually approve and require implementation of a new,
 54 | amended, or continuation school improvement plan for each school
 55 | in the district. ~~A district school board may establish a~~
 56 | ~~district school improvement plan that includes all schools in~~

57 ~~the district operating for the purpose of providing educational~~
58 ~~services to youth in Department of Juvenile Justice programs.~~
59 ~~The school improvement plan shall be designed to achieve the~~
60 ~~state education priorities pursuant to s. 1000.03(5) and student~~
61 ~~proficiency on the Sunshine State Standards pursuant to s.~~
62 ~~1003.41. Each plan shall address student achievement goals and~~
63 ~~strategies based on state and school district proficiency~~
64 ~~standards. The plan may also address issues relative to other~~
65 ~~academic-related matters, as determined by district school board~~
66 ~~policy, and shall include an accurate, data-based analysis of~~
67 ~~student achievement and other school performance data. Beginning~~
68 ~~with plans approved for implementation in the 2007-2008 school~~
69 ~~year, each secondary school plan must include a redesign~~
70 ~~component based on the principles established in s. 1003.413.~~
71 ~~For each school in the district that earns a school grade of "C"~~
72 ~~or below, or is required to have a school improvement plan under~~
73 ~~federal law, the school improvement plan shall, at a minimum,~~
74 ~~also include:~~

75 ~~1. Professional development that supports enhanced and~~
76 ~~differentiated instructional strategies to improve teaching and~~
77 ~~learning.~~

78 ~~2. Continuous use of disaggregated student achievement~~
79 ~~data to determine effectiveness of instructional strategies.~~

80 ~~3. Ongoing informal and formal assessments to monitor~~
81 ~~individual student progress, including progress toward mastery~~
82 ~~of the Sunshine State Standards, and to redesign instruction if~~
83 ~~needed.~~

84 ~~4. Alternative instructional delivery methods to support~~
 85 ~~remediation, acceleration, and enrichment strategies.~~

86 ~~(b) Approval process.--Develop a process for approval of a~~
 87 ~~school improvement plan presented by an individual school and~~
 88 ~~its advisory council. In the event a district school board does~~
 89 ~~not approve a school improvement plan after exhausting this~~
 90 ~~process, the Department of Education shall be notified of the~~
 91 ~~need for assistance.~~

92 ~~(c) Assistance and intervention.--~~

93 ~~1. Develop a 2-year plan of increasing individualized~~
 94 ~~assistance and intervention for each school in danger of not~~
 95 ~~meeting state standards or making adequate progress, as defined~~
 96 ~~pursuant to statute and State Board of Education rule, toward~~
 97 ~~meeting the goals and standards of its approved school~~
 98 ~~improvement plan.~~

99 ~~2. Provide assistance and intervention to a school that is~~
 100 ~~designated with a grade of "D" pursuant to s. 1008.34 and is in~~
 101 ~~danger of failing.~~

102 ~~3. Develop a plan to encourage teachers with demonstrated~~
 103 ~~mastery in improving student performance to remain at or~~
 104 ~~transfer to a school with a grade of "D" or "F" or to an~~
 105 ~~alternative school that serves disruptive or violent youths. If~~
 106 ~~a classroom teacher, as defined by s. 1012.01(2)(a), who meets~~
 107 ~~the definition of teaching mastery developed according to the~~
 108 ~~provisions of this paragraph, requests assignment to a school~~
 109 ~~designated with a grade of "D" or "F" or to an alternative~~
 110 ~~school that serves disruptive or violent youths, the district~~

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111 ~~school board shall make every practical effort to grant the~~
112 ~~request.~~

113 ~~4. Prioritize, to the extent possible, the expenditures of~~
114 ~~funds received from the supplemental academic instruction~~
115 ~~categorical fund under s. 1011.62(1)(f) to improve student~~
116 ~~performance in schools that receive a grade of "D" or "F."~~

117 ~~(d) After 2 years. Notify the Commissioner of Education~~
118 ~~and the State Board of Education in the event any school does~~
119 ~~not make adequate progress toward meeting the goals and~~
120 ~~standards of a school improvement plan by the end of 2 years of~~
121 ~~failing to make adequate progress and proceed according to~~
122 ~~guidelines developed pursuant to statute and State Board of~~
123 ~~Education rule. School districts shall provide intervention and~~
124 ~~assistance to schools in danger of being designated with a grade~~
125 ~~of "F," failing to make adequate progress.~~

126 (b)(e) Public disclosure.--The district school board shall
127 provide information regarding performance of students and
128 educational programs as required pursuant to ss. 1008.22 and
129 1008.385 and implement a system of school reports as required by
130 statute and State Board of Education rule that shall include
131 schools operating for the purpose of providing educational
132 services to youth in Department of Juvenile Justice programs,
133 and for those schools, report on the elements specified in s.
134 1003.52(19). Annual public disclosure reports shall be in an
135 easy-to-read report card format and shall include the school's
136 grade, high school graduation rate calculated without GED tests,
137 disaggregated by student ethnicity, and performance data as
138 specified in state board rule.

139 (c) ~~(f)~~ School improvement funds.--The district school
 140 board shall provide funds to schools for developing and
 141 implementing school improvement plans. Such funds shall include
 142 those funds appropriated for the purpose of school improvement
 143 pursuant to s. 24.121(5)(c).

144 Section 3. Section 1008.33, Florida Statutes, is amended
 145 to read:

146 (Substantial rewording of section. See
 147 s. 1008.33, F.S., for present text.)

148 1008.33 Authority to enforce public school improvement.--

149 (1) The state system of school improvement and education
 150 accountability shall comply with the education accountability
 151 requirements of the federal Elementary and Secondary Education
 152 Act, 20 U.S.C. ss. 6301 et seq., and its implementing
 153 regulations, subject to evaluation and enforcement by the State
 154 Board of Education.

155 (2) School districts must be held accountable for
 156 improving the academic achievement of all students and for
 157 identifying and turning around low-performing schools that have
 158 failed to provide a high-quality education to their students,
 159 while providing alternatives to students in such schools, to
 160 enable the students to receive a high-quality education.

161 (3) (a) Pursuant to ss. 1008.34, 1008.345, and 1008.385 and
 162 subsections (1) and (2), the State Board of Education shall hold
 163 all school districts and public schools accountable for
 164 facilitating student performance at acceptable levels. The state
 165 board is responsible for a state system of school improvement
 166 and education accountability that assesses student performance

167 by school, identifies schools in which students are not making
168 adequate progress toward state standards, institutes appropriate
169 measures for enforcing improvement, and provides rewards and
170 sanctions based on performance.

171 (b) The state system of school improvement and education
172 accountability must provide for uniform accountability
173 standards, provide assistance of escalating intensity to low-
174 performing schools, direct support to schools in order to
175 improve and sustain performance, focus on the performance of
176 student subgroups, and provide options for equal opportunities
177 for students to obtain a high-quality education.

178 (4) The academic performance of all students has a
179 significant effect on the education accountability of the state
180 school system. Pursuant to Art. IX of the State Constitution,
181 which prescribes the duty of the State Board of Education to
182 supervise Florida's public school system, the State Board of
183 Education shall equitably enforce the accountability
184 requirements of the state school system and may impose state
185 requirements on school districts in order to improve the
186 academic performance of all districts, schools, and students
187 based upon the provisions in ss. 1008.34, 1008.345, and 1008.385
188 and the education accountability requirements of the federal
189 Elementary and Secondary Education Act, 20 U.S.C. ss. 6301 et
190 seq., and its implementing regulations.

191 (a) For the purpose of determining whether a public school
192 requires action to achieve a sufficient level of school
193 improvement, the Department of Education shall annually
194 categorize a public school in one of six categories based on the

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195 school's grade, pursuant to the education accountability
196 requirements of the state school grading system under s.
197 1008.34, and the level and rate of change in student performance
198 in the areas of reading and mathematics, disaggregated into
199 student subgroups according to the education accountability
200 requirements for meeting adequate yearly progress under federal
201 law. Student subgroups as set forth in the education
202 accountability requirements of the federal Elementary and
203 Secondary Education Act, 20 U.S.C. s. 6311(b) (2) (C) (v) (II),
204 include economically disadvantaged students, students from major
205 racial and ethnic groups, students with disabilities, and
206 students with limited English proficiency.

207 (b) Schools in need of improvement must be targeted with
208 appropriate intervention and support strategies that address
209 student performance, including, but not limited to, improvement
210 planning, leadership quality improvement, educator quality
211 improvement, professional development, curriculum alignment and
212 pacing, and use of continuous improvement and monitoring plans
213 and processes. The State Board of Education may prescribe
214 reporting requirements to review and monitor the progress of the
215 schools.

216 (5) The Department of Education shall create a matrix that
217 reflects which intervention and support strategies may be
218 applied to address the particular needs of schools in each
219 category.

220 (a) Intervention and support strategies shall be applied
221 to schools based upon the school categorization. The most

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222 intense intervention and support strategies shall be applied to
223 schools in the lowest performing category.

224 (b) For a school identified in the category of lowest
225 performing schools, the school district must select one of the
226 following options and submit a plan to the State Board of
227 Education for implementing the option by the beginning of the
228 second year after such identification, unless the school
229 advances to a higher category pursuant to subsection (6) before
230 such time:

231 1. Convert the school to a district-managed turnaround
232 school by means that include implementation of a turnaround plan
233 approved by the Commissioner of Education that becomes the
234 school's improvement plan;

235 2. Reassign students to another school and monitor the
236 progress of each reassigned student;

237 3. Close the school and authorize a sponsor to reopen the
238 school as a charter school or multiple charter schools; or

239 4. Contract with an outside entity to operate the school.

240
241 Implementation of the option requires State Board of Education
242 approval. Once implemented, continuation of the option shall be
243 based on the school moving from the lowest performing category
244 or on approval by the State Board of Education upon finding that
245 it is likely that the school will move from the lowest
246 performing category if provided additional time to implement
247 intervention and support strategies.

248 (6) In order to advance to a higher category, a school
249 must make significant progress by improving its school grade and

250 by increasing student performance in mathematics and reading.
251 Student performance must be evaluated for each student subgroup
252 as set forth in subsection (4).

253 (7) (a) The State Board of Education may impose a public
254 reprimand upon a school district if a school within the district
255 deviates from or fails to implement any of the provisions of its
256 school improvement plan or this section.

257 (b) If the deviation or failure is repeated, continuous,
258 or serious, the State Board of Education may withhold the
259 transfer of state funds generated by the students assigned to
260 the school and allowable federal funds.

261 (8) Beginning July 1, 2009, the Department of Education
262 shall commence its duties under this section.

263 (9) By July 1, 2010, the State Board of Education shall
264 adopt rules pursuant to ss. 120.536(1) and 120.54 for
265 implementation of this section.

266 Section 4. Subsection (5) and paragraphs (b) and (d) of
267 subsection (6) of section 1008.345, Florida Statutes, are
268 amended to read:

269 1008.345 Implementation of state system of school
270 improvement and education accountability.--

271 (5) The commissioner shall report to the Legislature and
272 recommend changes in state policy necessary to foster school
273 improvement and education accountability. Included in the report
274 shall be a list of the schools, including schools operating for
275 the purpose of providing educational services to youth in
276 Department of Juvenile Justice programs, for which district
277 school boards have developed school improvement assistance and

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278 ~~intervention~~ plans and an analysis of the various strategies
 279 used by the school boards. School reports shall be distributed
 280 pursuant to this subsection and s. 1001.42 (18) (b) (16) (e) and
 281 according to rules adopted by the State Board of Education.

282 (6)

283 (b) Upon request, the department shall provide technical
 284 assistance and training to any school, including any school
 285 operating for the purpose of providing educational services to
 286 youth in Department of Juvenile Justice programs, school
 287 advisory council, district, or district school board for
 288 conducting needs assessments, developing and implementing school
 289 improvement plans, ~~developing and implementing assistance and~~
 290 ~~intervention plans,~~ or implementing other components of school
 291 improvement and accountability. Priority for these services
 292 shall be given to schools designated with a grade of "D" or "F"
 293 and school districts in rural and sparsely populated areas of
 294 the state.

295 (d) The commissioner shall assign a community assessment
 296 team to each school district or governing board with a school
 297 graded "F" to review the school performance data and determine
 298 causes for the low performance, including the role of school,
 299 area, and district administrative personnel. The community
 300 assessment team shall review a high school's graduation rate
 301 calculated without GED tests for the past 3 years, disaggregated
 302 by student ethnicity. The team shall make recommendations to the
 303 school board or the governing board, to the commissioner
 304 ~~department,~~ and to the State Board of Education ~~for implementing~~
 305 ~~an assistance and intervention plan~~ that will address the causes

306 of the school's low performance and may be incorporated into the
 307 school's improvement plan. The assessment team shall include,
 308 but not be limited to, a department representative, parents,
 309 business representatives, educators, representatives of local
 310 governments, and community activists, and shall represent the
 311 demographics of the community from which they are appointed.

312 Section 5. Subsections (1) and (2) of section 1012.2315,
 313 Florida Statutes, are amended to read:

314 1012.2315 Assignment of teachers.--

315 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
 316 finds disparities between teachers assigned to teach in a
 317 majority of schools that do not need improvement and schools
 318 that do need improvement pursuant to s. 1008.33 "A" graded
 319 ~~schools and teachers assigned to teach in a majority of "F"~~
 320 ~~graded schools~~. The disparities may ~~can~~ be found in the
 321 assignment of temporarily certified teachers, teachers in need
 322 of improvement, and out-of-field teachers and in average years
 323 ~~of experience, the median salary, and the performance of the~~
 324 students of a teacher ~~teachers on teacher certification~~
 325 ~~examinations~~. It is the intent of the Legislature that district
 326 school boards have flexibility through the collective bargaining
 327 process to assign teachers more equitably across the schools in
 328 the district.

329 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF
 330 IMPROVEMENT. GRADED "D" OR "F."--School districts may not assign
 331 a higher percentage than the school district average of ~~first-~~
 332 ~~time teachers~~, temporarily certified teachers, teachers in need
 333 of improvement, or out-of-field teachers to schools categorized

334 as needing improvement pursuant to s. 1008.33. ~~with above the~~
 335 ~~school district average of minority and economically~~
 336 ~~disadvantaged students or schools that are graded "D" or "F."~~
 337 Each school district shall annually certify to the Commissioner
 338 of Education that this requirement has been met. If the
 339 commissioner determines that a school district is not in
 340 compliance with this subsection, the State Board of Education
 341 shall be notified and shall take action pursuant to s. 1008.32
 342 in the next regularly scheduled meeting to require compliance.

343 Section 6. Paragraph (p) of subsection (9) of section
 344 1002.33, Florida Statutes, is amended to read:

345 1002.33 Charter schools.--

346 (9) CHARTER SCHOOL REQUIREMENTS.--

347 (p) Upon notification that a charter school receives a
 348 school grade of "D" for 2 consecutive years or a school grade of
 349 "F" under s. 1008.34(2), the charter school sponsor or the
 350 sponsor's staff shall require the director and a representative
 351 of the governing body to submit to the sponsor for approval a
 352 school improvement plan to raise student achievement and to
 353 implement the plan. The sponsor has the authority to approve a
 354 school improvement plan that the charter school will implement
 355 in the following school year. ~~The sponsor may also consider the~~
 356 ~~State Board of Education's recommended action pursuant to s.~~
 357 ~~1008.33(1) as part of the school improvement plan.~~ The
 358 Department of Education shall offer technical assistance and
 359 training to the charter school and its governing body and
 360 establish guidelines for developing, submitting, and approving
 361 such plans.

362 1. If the charter school fails to improve its student
363 performance from the year immediately prior to the
364 implementation of the school improvement plan, the sponsor shall
365 place the charter school on probation and shall require the
366 charter school governing body to take one of the following
367 corrective actions:

368 a. Contract for the educational services of the charter
369 school;

370 b. Reorganize the school at the end of the school year
371 under a new director or principal who is authorized to hire new
372 staff and implement a plan that addresses the causes of
373 inadequate progress; or

374 c. Reconstitute the charter school.

375 2. A charter school that is placed on probation shall
376 continue the corrective actions required under subparagraph 1.
377 until the charter school improves its student performance from
378 the year prior to the implementation of the school improvement
379 plan.

380 3. Notwithstanding any provision of this paragraph, the
381 sponsor may terminate the charter at any time pursuant to the
382 provisions of subsection (8).

383 Section 7. This act shall take effect July 1, 2009.